

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. JUDY WOOD ON BEHALF OF THE UNITED STATES
OF AMERICA,

Plaintiff/Relator,

-against-

07 CIV 3314 (GBD)

SCIENCE APPLICATIONS INTERNATIONAL, CORP.;
APPLIED RESEARCH ASSOCIATES, INC.; BOEING;
NUSTATS; COMPUTER AIDED ENGINEERING
ASSOCIATES, INC.; DATASOURCE, INC.; GEOSTAATS,
INC.; GILSANZ MURRAY STEFICEK LLP; HUGHES
ASSOCIATES, INC.; AJMAL ABBASI; EDUARDO
KAUSEL; DAVID PARKS; DAVID SHARP; ANIELLE
VENEZANO; JOSEF VAN DYCK; KASPAR WILLIAM;
ROLF JENSEN & ASSOCIATES, INC.;
ROSENWASSER/GROSSMAN CONSULTING
ENGINEERS, P.C.; SIMPSON GUMPERTZ & HEGER, INC.;
S.K. GHOSH ASSOCIATES, INC.; SKIDMORE, OWINGS &
MERRILL, LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.; WISS,
JANNEY, ELSTNER ASSOCIATES, INC.; AMERICAN
AIRLINES; SILVERSTEIN PROPERTIES; AND UNITED
AIRLINES,

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS WISS, JANNEY
ELSTNER ASSOCIATES INC. AND ROLF JENSEN & ASSOCIATES, INC.'s
MOTION FOR SANCTIONS AGAINST RELATOR AND HER ATTORNEY**

HINSHAW & CULBERTSON LLP
Attorneys for Defendants
WISS, JANNEY, ELSTNER ASSOCIATES, INC. and
ROLF JENSEN & ASSOCIATES, INC.
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PRELIMINARY STATEMENT

Defendants WISS, JANNEY, ELSTNER ASSOCIATES, INC. (“WJE”) and ROLF JENSEN & ASSOCIATES, INC. (“RJA”) move for the imposition of sanctions, pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the False Claims Act (“FCA”), respectively, against Relator and his attorney, and hereby adopt and incorporate herein the arguments set forth in the motion papers submitted by co-defendant APPLIED RESEARCH ASSOCIATES, INC. (“ARA”). As more fully demonstrated therein, plaintiff’s bizarre claims are without support, both factually and legally, and are made without a good faith basis to seek the extension, modification or reversal of existing law or the establishment of new law. For these reasons, this Court should award defendants attorney’s fees and costs under both Rule 11 and § 3730(d)(4).

STATEMENT OF FACTS

Defendants refer the Court to co-defendant ARA’s memorandum of law in support of its motion for sanctions for a full recitation of the facts and applicable law.

ARGUMENT

POINT I

DEFENDANTS WJE AND RJA JOIN DEFENDANT ARA’S MOTION FOR SANCTIONS ON THE SAME GROUNDS SET FORTH THEREIN

Sanctions against Relator and her attorney are proper because, as more fully argued in the papers filed by co-defendant ARA, her Complaint is not only barred statutorily by the “public disclosure bar” (§ 3730(e)(4)(A) of the FCA), but also filed for the improper and sanctionable purposes of harassing defendants and promoting Relator’s own conspiracy theories surrounding September 11, 2001. In essence, Relator has failed to state a valid claim under the FCA because her allegations that the NIST conspired with defendants negate the falsity required to prove liability under the FCA. Accordingly, Relator has simply used this litigation as a forum for

advertising her fantastical theories and the Court should not allow this continued abuse of the judicial process. For these reasons, as more fully set forth in the motion papers submitted by co-defendant ARA that are adopted and incorporated herein, WJE and RJA request that sanctions, including attorney's fees and costs, be imposed against Relator and her attorney.

CONCLUSION

For the foregoing reasons and as more fully set forth in the papers submitted by co-defendant ARA in support of its motion for sanctions herein, it is respectfully requested that the Court grant sanctions against Relator and her attorney pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the FCA.

Dated: New York, New York
March 5, 2008

HINSHAW & CULBERTSON LLP

By: 

Philip Douitou

Concepcion A. Montoya

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